

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Michael Thomas,

PLAINTIFF

v.

M. Prevost,

DEFENDANT

Case No. 6:20-cv-03619-TLW

Order

Plaintiff Michael Thomas, proceeding pro se, filed this civil action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 34. In the Report, the magistrate judge recommends that Plaintiff's case be dismissed for two reasons: (1) under Rule 41(b) for failure to prosecute due to his failure to respond to Defendants' motion for summary judgment, despite being informed of the potential consequences of doing so; and (2) a review of the factual record and applicable law provide a clear basis for granting Defendant's motion for summary judgment. Plaintiff did not file objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200

(4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report, which outlines the evidence of record and sets forth a detailed factual and legal analysis as to why the motion for summary judgment should be granted and why the case is subject to dismissal under Rule 41(b). The Report sets forth the caselaw applicable to the analysis. For the reasons stated by the magistrate judge, the Report, ECF No. 34, is **ACCEPTED** and Defendant’s motion for summary judgment, ECF No. 22, is **GRANTED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

August 17, 2021
Columbia, South Carolina